

Christopher M. McMonagle, Esq.  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Telephone: (215) 572-8111  
Facsimile: (215) 572-5025

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA  
(PHILADELPHIA)**

IN RE: JACQUELINE D WHITE DEBTOR	CHAPTER 13  CASE NUMBER: 16-15715-AMC
--	---

**Motion of Carisbrook Asset Holding Trust For Relief from the Automatic Stay under 11 U.S.C. §362(d) With Respect to Property: 6107 COBBS CREEK PARKWAY, PHILADELPHIA, PA 19143**

Carisbrook Asset Holding Trust, through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is Carisbrook Asset Holding Trust (hereafter referred to as “Movant”).
2. Debtor, Jacqueline D White (hereinafter, “Debtor”), is, upon information and belief, an adult individual whose last-known address is 6107 Cobbs Creek Parkway, Philadelphia, PA 19143.
3. On July 24, 2000, Debtor executed and delivered a Note in the principal sum of \$49,000.00 to CTX Mortgage Company. A copy of the Note is attached as Exhibit “A” and is hereby incorporated by reference.
4. As security for the repayment of the Note, Debtor, executed and delivered a Mortgage to CTX Mortgage Company. The Mortgage was duly recorded in the Office of the Recorder of Deeds in and for Philadelphia County on November 9, 2000 at Instrument 50168017. A copy of the Mortgage is attached as Exhibit “B” and is hereby incorporated by reference.
5. The Mortgage encumbers Debtor’s real property located at 6107 Cobbs Creek Parkway, Philadelphia, PA 19143.
6. By assignment of mortgage, the loan was ultimately assigned to Movant. A true and correct copy of the assignment is attached as Exhibit “C” and is hereby incorporated by reference.
7. Debtor filed the instant Chapter 13 Bankruptcy on August 11, 2016 and, as a result, any state court proceedings were stayed.
8. It is believed and therefore averred that Debtor filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the state court proceedings or otherwise institute proceedings as allowed under the Mortgage.

9. Debtor's mortgage loan is in default and is currently due for the June 1, 2017 payment and each subsequent payment through the date of the motion. Debtor has/have failed to make the following post-petition payments to Movant:

**POST-PETITION PAYMENTS IN DEFAULT**

Monthly Payments in Default.....	06/01/2017 to 09/01/2017
Monthly payments (\$873.50 x 4)	\$3,494.00
Suspense Balance:.....	(\$741.96)
Total Amounts Due as of September 5, 2017:	\$2,752.04

10. In addition, Movant has incurred counsel fees and costs in association with Debtor's default and this motion.
11. As a result of the Debtor's default and failure to make payments or to otherwise adequately provide for Movant in the bankruptcy filing, Movant is not adequately protected and is entitled to relief.
12. Further, the Debtor's Schedule D indicates a valuation of the Property in the amount of \$97,985.70, with Movant's first lien against the Property in the amount of \$89,926.62. Accordingly, there is little to no equity in the Property and the property is not necessary for an effective reorganization. A copy of the Debtor's Schedule D is attached as Exhibit "D" and incorporated herein by reference.
13. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor falls behind on post-petition payments or trustee payments that Movant may receive relief upon default by the Debtor(s) of the terms of the conditional order.
14. Movant requests that the stay of Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 from the automatic stay as set forth in the proposed order together with waiver of Bankruptcy Rule 4001(a)(3).

Respectfully Submitted:

Stern & Eisenberg, PC

By: /s/ Christopher M. McMonagle, Esq.  
Christopher M. McMonagle, Esq.  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Phone: (215) 572-8111  
Fax: (215) 572-5025  
Bar Number: 308951  
Email: cmcmonagle@sterneisenberg.com

Date: September 11, 2017